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7 Attorney for Quintilano Gustavo Montes

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 QUINTILANO GUSTAVO MONTES,  
15 Defendant.

Case No. 2:23-mj-00455-BNW

**STIPULATION TO CONTINUE**  
**BENCH TRIAL**  
(First Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
18 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the  
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Keisha K.  
20 Matthews, Assistant Federal Public Defender, counsel for Quintilano Gustavo Montes, that the  
21 bench trial currently scheduled on September 6, 2023, at the hour of 9:00 a.m., be vacated and  
22 continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs additional time to conduct investigation in this  
25 case in order to determine whether there are any pretrial issues that must be litigated and  
26 whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is out of custody and agrees with the need for the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

This is the first request for a continuance of the bench trial.

DATED this 5th day of September 2023.

RENE L. VALLADARES  
Federal Public Defender

JASON M. FRIERSON  
United States Attorney

*/s/ Keisha K. Matthews*  
By \_\_\_\_\_  
KEISHA K. MATTHEWS  
Assistant Federal Public Defender

*/s/ Imani Dixon*  
By \_\_\_\_\_  
IMANIN DIXON  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

QUINTILANO GUSTAVO MONTES,

Defendant.

Case No. 2:23-mj-00455-BNW

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is out of custody and agrees with the need for the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the

1 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
2 account the exercise of due diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United  
4 States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United  
5 States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,  
8 September 6, 2023, at 9:00 a.m., be vacated and continued to December 20, 2023 at  
9 9:00 in Las Vegas Courtroom 3B.

10 DATED this 6th day of September, 2023.

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13 UNITED STATES MAGISTRATE JUDGE  
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